IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1119 (M/S) of 2006

Rahul Chauhan,
S/o Sri G.S. Chauhan,
R/o, 34 Q, Bindal Road, Khudbuda,
Dehradun,
District – Dehradun.

……Petitioner

Versus

1. State of Uttaranchal through Secretary, Nagar, Vikas, Dehradun.
2. City Magistrate, Dehradun, District – Dehradun.
3. U.P. Pollution Control Board, Dehradun through its Regional Officer, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Gopal Narain, learned counsel for the petitioner, Sri Sudhir Kumar, learned counsel for respondent no. 3 and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 and 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 to decide the case no. 5 / 2001 within the stipulated time as fixed by this Hon'ble Court preferably period of one month*

II. pass such an order, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

III. award cost against the respondents in favour of the petitioner.

The facts as narrated in the writ petition are that petitioner along with others who are resident of Mohalla Bindal Road, Khudbuda, Dehradun made complaint to respondent no. 3 i.e. Pollution Control Board, Dehradun against the pollution

created by some shop keepers which effected the residential area of the petitioner.

Respondent no. 3 after making inspection of the area wrote a letter on 20.07.2001 to Health Officer, Nagar Nigam, Dehradun regarding complaint of petitioner and others. Thereafter, a complaint was lodged by respondent no. 3. On the basis of aforesaid complaint a case was registered before respondent no. 2 i.e. City Magistrate, Dehradun, District – Dehradun as case no. 5 of 2001.

Learned counsel for the petitioner has submitted that the objections have already been filed by the respondents in the case, however, the same is still pending.

During the course of argument learned counsel for the petitioner has confined his prayer that respondent no. 2 i.e. / City Magistrate, Dehradun may be directed to decide the case no. 5 of 2001 at the earliest.

In the circumstances stated above, I deem it fit and proper to direct the respondent no. 2 i.e. / City Magistrate, Dehradun to decide case no. 5 of 2001 pending before him as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order.

With this direction the writ petition as well as interim relief application no. 10655 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2006
SKSharma